



ZONING BOARD OF APPEALS
TOWN OF MONTAGUE
ONE AVENUE A
TURNERS FALLS, MA 01376

NOTICE OF DECISION & VOTE

Applicant Owner/Property Owner:
Peg Piwonka for Windy Hollow Acres 2 LLC
68 Sunderland Rd
Montague, MA 01351

Case No. 23-17
Date January 3, 2024

Premises Affected:
2 Fosters Rd
Montague, MA 01351
Assessors' Map, 51 Lot 10
Franklin County Registry of Deeds: Book 8168 Page 71

Special Permit (X)
Site Plan Review (X)
Variance ()

The hearing on this Special Permit was opened on November 29, 2023 and continued to January 3, 2024 and closed on January 3, 2024.

THE BOARD OF APPEALS VOTED:

The Montague Zoning Board of Appeals granted a Special Permit (5) to (Peg Piwonka for Windy Hollow Acres 2 LLC) to allow the construction of a 4,500 sq. ft. veterinary building and parking areas under Sections 5.2.2(b)iii, 5.2.2(b)x, 7.2.6 and 9.2 of the Zoning Bylaw, located at **2 Fosters Rd. (Map 51, Lot 10)**, in the Agricultural Forestry (AF) and the Agricultural Business Overlay Zoning District, with the following condition:

1. The project shall be built and maintained according to the approved plans and application package. Any changes shall be reviewed by the Building Inspector to determine if submission to the Zoning Board of Appeals is necessary. Said changes may be reviewed and/or approved by the Zoning Board of Appeals at a public meeting. The approved plans include:
 - a. #23-17 Special Permit Application;
 - b. Management Plan
 - c. Prepared by Berkshire Design Group, dated October 19, 2023 and Marc Sternick dated October 20, 2023.
2. The approved Management Plan shall be followed by the applicant and any changes to this plan shall return to the Zoning Board of Appeals at a public meeting.
3. All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties.
4. All exterior lighting shall be turned off no later than one hour after the close of each business day.
5. Parking shall occur on improved surfaces only. The parking areas shall be maintained as needed.
6. All parking areas shall be clearly delineated and shall be provided with a permanent dust free surface and adequate drainage.
7. Individual parking spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.
8. Property shall be free of litter and debris.
9. Any trees and shrubs that does not survive one year after planting shall be replaced at 1:1 ratio.

The vote of the Zoning Board of Appeals for Special Permit was as follows:

Joshua Lively, Chair - **YES**
Richard Ruth - **YES**
Robert Obear – **YES**

William Doyle IV, Vice Chair – **YES**
David Jensen – **YES**

THE BOARD OF APPEALS VOTED:

To grant Dimensional Relief section 5.5.3(b) of approximately 35 feet or the dimension to scale on the Plan dated October 19, 2023 between the proposed veterinary clinic and the existing 1 family dwelling.

The vote of the Zoning Board of Appeals for Dimensional Relief was as follows:

Joshua Lively, Chair – **YES**
Richard Ruth – **NO**
Robert Obear – **YES**

William Doyle IV, Vice Chair – **YES**
David Jensen – **YES**

THE BOARD OF APPEALS VOTED:

To accept the Site Plan Review with the alternative location of the sign to the corner of Fosters Rd. and Route 47 as noted on the plan.

The vote of the Zoning Board of Appeals for Site Plan Review was as follows:

Joshua Lively, Chair – **YES**
Richard Ruth – **YES**
Robert Obear - **YES**

William Doyle IV, Vice Chair – **YES**
David Jensen – **YES**

The Zoning Board of Appeals hereby certifies that a copy of this decision and all plans referred to in this decision have been filed with the Town Clerk on: January 16, 2024.

An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved pursuant to MGL chapter 40A, section 17 as amended within twenty (20) days after the date of filing of a notice of decision in the Office of the Town Clerk. Notice of the appeal and a copy of the complaint shall be given to the Town Clerk within the twenty-day appeal period.

Board of Appeals:

By _____
Joshua Lively, Chairman

Karen Zoning Board of Appeals Clerk

cc: Applicant, Property Owner, Abutters, Public hearing attendees requesting notification, Planning Board abutting Towns - Gill, Erving, Wendell, Leverett, Sunderland, Greenfield

Certificate of No Appeal

[This section is filled out by the Montague Town Clerk]

Received for filing by Town Clerk: _____
Time Date

Twenty-day appeal period ends: _____
Time Date

I HEREBY CERTIFY THAT NO APPEAL HAS BEEN FILED WITHIN 20 DAYS FROM THE DATE THAT THIS DECISION WAS FILED WITH THE TOWN CLERK:

Montague Town Clerk

Date
